**IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH**

**...**

**Criminal Revision No.2061 of 2007**

Decided on : December 10, 2007

**Ramesh Chander**

**...** Petitioner

VERSUS

**The State of Punjab**

**...** Respondent

CORAM :
HON'BLE MR.JUSTICE A.N.JINDAL

Present: Mr.Ashok Kumar Khunger,
Advocate for the petitioner.

Mr.Satish Kumar Bhanot, Senior Deputy Advocate General for the respondent – State of Punjab

A.N.JINDAL, J.-

The revision petition is directed against the judgment dated 3.10.2007 passed by Sessions Judge, Mansa dismissing the appeal of the petitioner against the judgment dated 7.12.2005 passed by Chief Judicial Magistrate, Mansa, convicting the petitioner under Section 409 of the Indian Penal Code (for short IPC) and sentencing him to undergo rigorous imprisonment for five years and to pay fine of Rs.5000/-, in default of which, to undergo further rigorous imprisonment for six months. However, the sentence of imprisonment was reduced to three years in appeal.

In nutshell, the facts of the case are that on the basis of letter

(Ex.PW8/A) written by the Depot Manager, Pepsu Road Transport Corporation, Budhlada to the Senior Superintendent of Police, Bathinda regarding embezzlement of an amount of Rs.62,500/- by the petitioner, the instant case was registered.

On completion of the investigation, a report under Section 173 of the Code of Criminal Procedure (for short Cr.P.C.) was presented in the Court. The petitioner was charge-sheeted for the aforesaid offence, to which he pleaded not guilty and claimed trial.

In order to substantiate its case, the prosecution examined eight witnesses in all. Thereafter, in his statement recorded under Section 313 Cr.P.C., the petitioner denied all the allegations and pleaded his innocence. The trial ended in conviction and the appeal also failed. However, sentence of imprisonment was reduced to three years in appeal.

At the very outset, without assailing the conviction recorded against the petitioner, Mr.A.K.Khunger, learned counsel appearing for the petitioner, has sought some leniency in the quantum of sentence. He also states that the petitioner has already undergone about six months of imprisonment out of the substantive sentence.

Even otherwise, having scrutinised the impugned judgment, it transpires that the Courts below have rightly appreciated the statements of the witnesses, which stand corroborated by the documentary evidence as well. No material discrepancy or contradiction could be detected, so as to warrant interference by this Court in the judgment of conviction.

The occurrence relates to the year 1985. The petitioner admittedly has lost his job and his wife is also stated to be suffering from

asthma. They have children of marriageable age. The petitioner has suffered a lot of agony of protracted trial and humiliation in the eyes of his own children. He has already undergone about six months of imprisonment out of the substantive sentence. In such circumstances, the ends of justice would be served, if the sentence of imprisonment is reduced to that already undergone by the petitioner

Consequently, the petition is dismissed with the modification in the sentence to the extent that the sentence of imprisonment is reduced to that already undergone by the petitioner, subject to deposit of a sum of Rs.50,000/- before the Chief Judicial Magistrate, Mansa, for adjusting against the loss caused by the petitioner to the Pepsu Road Transport Corporation, under intimation to the PRTC, Mansa, which would be entitled to get the same adjusted in its appropriate head.

Copy of the order be sent to Chief Judicial Magistrate, Mansa for compliance.

( A.N.JINDAL )
JUDGE

The 10th day of December, 2007
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To be Referred to Reporter - **Yes/ No**